

## Message Text

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ACTION EA-06

INFO OCT-01 ISO-00 SS-14 NSC-05 NSCE-00 INR-05 CIAE-00 L-01

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FM AMEMBASSY JAKARTA

TO SECSTATE WASHDC PRIORITY 5501

C O N F I D E N T I A L JAKARTA 14513

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EA/IMS FOR AMBASSADOR NEWSOM

E.O. 11652: GDS

TAGS: PLOS ID

SUBJ: LAW OF THE SEA

REFS: A) STATE 262657 B) JAKARTA 14501

1. YOU WILL HAVE SEEN THAT REPORT OF MY CALL ON SOEDARMONO DEC 2 (REF B) DEALS WITH CERTAIN OF POINTS YOU RAISE IN REF A. DOEDARMONO'S PREFERENCE THAT DECEMBER 9-10 TALKS RESULT IN "AGREED NOTE" RATHER THAN "SEPARATE NOTES" CONFIRM YOUR IMPRESSION THAT HE, AT LEAST, CLEARLY RECOGNIZES LINK BETWEEN US SUPPORT FOR ARCHIPELAGO THEORY AND INDONESIAN SUPPORT FOR UNIMPEDED TRANSIT THROUGH ARCHIPELAGIC AND STRAITS WATERS. EARLY MEETING BETWEEN MOORE AND SOEDARMONO (WHICH LATTER HAS WELCOMED) AND MEETINGS WE SEEKING FOR MOORE WITH MOCHTAR AND PANGGABEAN WILL PROVIDE OPPORTUNITY TO ENSURE THERE NO MISUNDERSTANDING ON THIS ESSENTIAL LINK.

2. WE AGREE THAT THORNIEST QUESTION MAY WELL BE ONE OF HOW BOTH SIDES CAN BRING INTO OPEN, IN MOST  
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POLITICALLY FAVORABLE MANNER, ANY AGREEMENT REACHED

IN DECEMBER 9-10 TALKS. WE ENTIRELY AGREE WITH REASONS BEHIND YOUR BELIEF THAT IT BEST TO PROPOSE THAT ANY STATEMENT ON ARCHIPELAGO THEORY AND STRAITS ISSUE BE MADE BY TWO GOVERNMENTS SHORTLY BEFORE GENEVA CONFERENCE OR DURING CONFERENCE.

3. AT SAME TIME WE CANNOT HELP WONDERING WHETHER SOME WITHIN GOI MAY NOT BALK AT IDEA OF GOI MAKING PUBLIC STATEMENT BEFORE OR EVEN AT GENEVA GIVING SUPPORT TO US POSITION RE UNIMPEDED PASSAGE UNLESS AND UNTIL GOI HAS REACHED UNDERSTANDING WITH PHILIPPINES (RE PASSAGE THROUGH ARCHIPELAGOES) AND MALAYSIA (RE PASSAGE THROUGH MALACCA STRAIT), IN VIEW OF POSITIONS WHICH HAVE BEEN JOINTLY ESPOUSED IN RECENT YEARS. WHILE IT POSSIBLE SOEDARMONO AND OTHERS CONCERNED LARGELY WITH LOS ISSUES MAY FIND IT FEASIBLE PUBLICLY DISREGARD VIEWS OF ASEAN BRETHREN, WE ARE NOT SURE OTHER GOI LEADERS WILL BE SIMILARLY PREPARED. (WE FEEL THIS MORE STRONGLY IN CASE OF MALAYSIA THAN IN PHILIPPINES WHERE INDONESIANS HAVE AT TIMES INDICATED PHILS SO OBDURATE GOI WILL HAVE TO GO IT ALONE.)

4. WE SUGGEST, THEREFORE, THAT US TEAM, AS IT PREPARES FOR TALKS HERE, CONSIDER POSSIBILITIES:  
(A) OF LESS THAN WHOLEHEARTED INDONESIAN REACTION TO US PROPOSAL FOR PUBLIC "LINGAGE" STATEMENT (OR STATEMENTS);  
(B) WHETHER THERE MIGHT BE OTHER WAYS, SATISFACTORY TO US, THAT "LINGAGE" AGREEMENT CAN BE BROUGHT INTO OPEN. WE COULD ENVISAGE INDONESIAN SIDE WELCOMING (AND PERHAPS PROPOSING) SOME SORT OF ARRANGEMENT WHERE US WOULD PUBLICLY SUPPORT ARCHIPELAGO PRINCIPLE IN GENERALIZED TERMS WHILE INDONESIA WOULD NOTE IN GENERALIZED TERMS ITS SUPPORT FOR PASSAGE--WITH PRIVATE UNDERSTANDING INDONESIA WOULD VOTE IN SUPPORT OF SPECIFICALLY-AGREED ARRANGEMENTS WHEN THESE PROPOSED BY US OR THIRD POWER.  
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